liberation cannot be bought

always was, always will be
Aboriginal land

# Welcome to the UT$ Law Factory

gobbl¢sation

i am a student not a consumer

when injustice becomes the law - resistance becomes duty

The UTS Progressive Law Students' Network would like to acknowledge the Eora and Gadigal people as the rightful owners of this land. We acknowledge the general dispossession and continuing discrimination towards Indigenous people that began with the invasion of Europeans over 217 years ago. We understand that more than 500 Indigenous nations shared this land for over 40,000 years before invasion. We acknowledge that all material benefits held by Australians have come about from the dispossession of its Indigenous population. The PLSN acknowledges the significant role the law, the legal profession and universities have played, and continue to play, in the oppression of Indigenous peoples.

For all these things, we are deeply and profoundly sorry.

## alexander cockburn once said: 'accept the terms of the system and you get the system, on its terms'

### we know our legal system is flawed.

we know it is made by, and for the benefit of privileged, white men.

we know it excludes and blatantly discriminates against womyn, queers, people of colour, people with disability and mental illness, and the indigenous peoples to whom this land belongs.

### question everything.

don't accept the rhetoric of your $130 textbook.

don't accept the tired drone of your underpaid lecturers.

don't accept the terms of the legal system.

question everything.

make change.

(& if ya need help, resources or like-minded law students or partners in cRiMe, contact the PLSN)

## why bother to make a RaNdoM zine?

cos we wanna write & express our ideas & anger

cos we need student voices,

cos we should engage with the world & degrees we spend our lives & $$$ on

cos it's accessible, not super expensive

cos it's funky & engaging

cos it's ours

& cos we can.

(we'll be makin' more in 2005. contribute, rant, get involved... contact holly_tara@hotmail.com or 041 768 2541)

# Progressive Law Students Network

The Progressive Law Students' Network (PLSN) brings together students to get informed and active around legal, human rights and social justice issues.

## Why have a Progressive Law Students Network?

Because we can't separate the study of law from the social problems the law creates and perpetuates. Because students should discuss and critically engage with issues that affect us and the world we live in. And because we are sick of the turnstile-into-corporate-law mentality that pervades law faculties!

A legal education takes place in a world beyond dull lectures and expensive textbooks – it occurs in discussion and dissent, in casework with refugees, in community legal centres, in random conversations after class, and working in solidarity with peoples marginalised by the law.

## What does the Progressive Law Students' Network do?

The PLSN organises events and forums to learn about and get active around such issues as refugees and the law, civil liberties and rights of activists. In 2003, the collective organised a three-day national conference, *Law, Power and Change.* PLSN members volunteer at Community Legal Centres and with community projects such as legal observing at protests and casework for refugees seeking asylum. PLSN is also active on campus, campaigning for better learning conditions for law students and students in general.

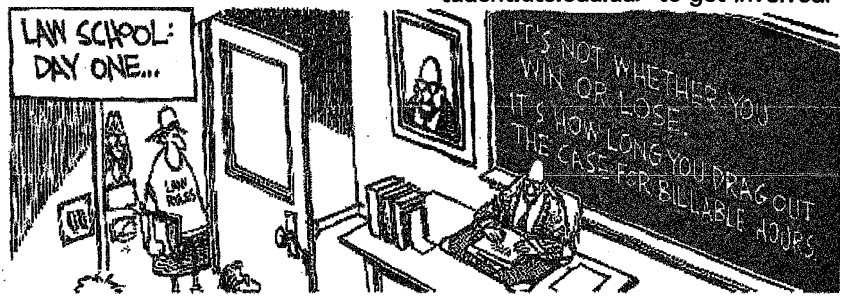
## Why be 'progressive'?

The legal system poses many barriers to marginalised groups, despite that it is meant to be an institution of justice and egalitarianism. Marginalised groups face significant barriers to access, such as huge costs associated with court hearings. The law perpetuates the racism, sexism and homophobia already present in society. Law students are well placed to fight injustice in the legal system and in society. We should agitate and encourage law reform. We can work to create meaningful, lasting social change.

## Get involved!

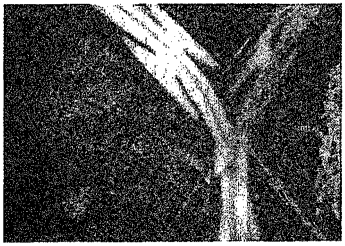
A legal education is damn boring and completely useless– unless we are critical and questioning, and actually engage with the law and the people it affects. In 2005, the PLSN will be active around refugee legal campaigns, legislative attacks on tertiary education and student organising, discussion regarding expansive police and intelligence powers, and heaps of other cool campaigns.

Contact the Students' Association on 9514 1155, Holly 041 658 2541 <holly_tara@hotmail.com>, or Angelo 040 281 9958 <Angelo.Kallipolitis@student.uts.edu.au> to get involved!



# My name is asylum and other poems..

by Angel Boujbiha



## *Another day*

When I open the door
It does not mean that I am leaving
I'll come back later
During the day
I see faces
Faces with anxiety
Faces marked by frustration
Mental disorder, I guess isn't a culture
I have not dreamed since being detained
There are no more dreams
Asleep I fell guilty
Not a victim
Like an eclipse
The peaceful nation
Ignore about the detentions.

## *My name is asylum*

My name is asylum
I was born in here
Here is the detention centre
The centre is circled by wire
Wire makes it scaring
The wire is 1, 2, 3, 4, 5
1 is the wire for closure
2 is the coiled barbed wire
3 is the protection for 1 and 2
4 is the razor wire on the top of 3
5 is the high fence
The higher fence
Which stops birds coming inside
Stops thoughts and imagination
Which stops the world outside
The higher fence which becomes
The border between me and Australia
My name is asylum
I was born in this centre
The centre is in Villawood
Villawood is far from Australia
It has security inside
People from all over the world
No!
Not from every where
There are no Americans here
There are no English and Germans here
There are no Japanese in the centre
The centre is multicultural
But it has only one culture inside
The detention culture
My name is asylum
I was born detained
But not to be detained
I have 850 days
I am thinking
How did I get here?
How did I find my self here?
Here in the detention centre
I don't even know why I am here
Nobody told me why
My name is asylum
I am still here
In the detention centre
In Sydney
In Australia.

http://www.borderlandsejournal.adelaide.edu.au/vol1no1_2002/boujbiha_poems.html

# Betraying our basic values

*December 2004*
*Julian Burnside*

In the lead-up to the recent Federal election, I toyed with the idea of leaving Australia if John Howard were re-elected. I did not think I would be put to the test, but now I have to think about it seriously.

My naïve assumptions about our political leaders were first shaken when I saw, at close quarters, how in 1998 John Howard and other senior Ministers had conspired to breach the Workplace Relations Act in an attempt to remove the Maritime Union of Australia from the waterfront. To add insult to injury, they had agreed to underwrite Patrick Stevedores to the tune of $100 million to implement the plan.

But it was Tampa and what followed it that made me reconsider my affection for this country. A few facts about our refugee policy are clear:

First: we receive far fewer unauthorised arrivals in Australia than most other nations do. Our refugee 'problem' is a tiny one.

Second: boat people do not commit an offence by arriving here without papers.

Third: 90 percent of the boat people turn out ultimately to be genuine refugees.

Fourth: despite these facts, we lock-up boat people indefinitely in circumstances which drive many of them to despair, madness, self-harm or suicide.

Fifth: the Howard Government has strenuously (and successfully) argued in court for powers which no decent democratic government should ever seek, including:
(a) The right to hold a failed asylum seeker in detention for the rest of his life, if the Government is unable to remove that person from Australia;
(b) The right to hold children in detention regardless of age, health or other circumstances;
(c) The right to hold people in detention regardless how harsh or inhumane the conditions in detention may be.
(d) The right to send a failed asylum seeker to a place where death or torture is a certainty;

Sixth: people in immigration detention are often held in solitary confinement – for days or weeks at a time – but the use of solitary confinement is completely unregulated.

Seventh: people held in immigration detention are liable for the costs of their own incarceration. No other country in the world does this. The only precedents are Robespierre's France (the Law of Suspects 1793) and Hitler's Germany.

At the 2001 election, many voters would have been unaware of these matters; and the terrorist attack on America just two months earlier cast a shadow across the issues in that election.

This year it was different. Human rights abuses in our treatment of asylum seekers are widely known. This time we had the Human Rights and Equal Opportunity Commission's finding that our treatment of children in detention was 'cruel, inhumane

and degrading'; this time we knew the Government had successfully asserted a right to hold innocent people in jail for the rest of their life.

This year we also knew that Howard's careless statements about 'children overboard' and confident assertions about weapons of mass-destruction were just plain wrong. Whether Howard lied or was misled matters little. Both possibilities are equally alarming: were we led into war ' mistake or by deceit? Is our leader ..shonest or incompetent? Which should make us more relaxed and comfortable?

More subtle elements were also in play at this election. Howard and his senior ministers are assertively Christian, yet their treatment of asylum seekers has been criticized by every Christian denomination and by the World Council of Churches. Their conduct is irreconcilable with Christian teaching. So we are led by hypocrites who trade on sanctimony and imprison children.

That Australians increased the Howard Government's majority in the 2004 election conveys an unmistakable message: lying is okay, as long as you achieve your objective - human rights matter less than a $600 family bonus; self-interest trumps everything else.

It is now very clear that my ideas about ..uman rights are out of tune with the thinking of 'ordinary Australians'. Those of us, like Robert Manne or Malcolm Fraser, are disparaged because we are concerned about human rights. In earlier times, we would have been branded 'Communists', but that would sound quaint these days, and implausible.

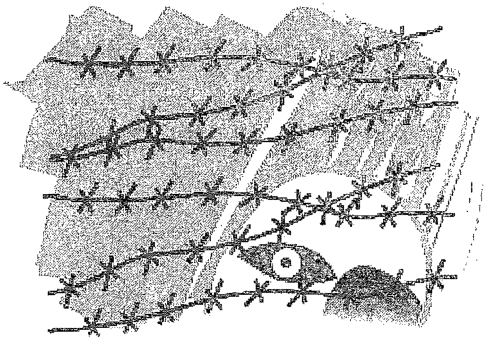
In order to marginalise us now we are called 'intellectuals' or 'do-gooders'. Ordinary Australians today, it seems, consider it a bad thing to do good, or to think rigorously. Mr Howard's government has encouraged them to think that way.

Do we have any right to keep offering an unwelcome message? Why stay where you are not wanted?

I can think of only two reasons for staying in Australia now. The more powerful one is inertia. The effort of selling up and moving to New Zealand or Canada and re-establishing a career is formidable.

The second is hope: a hope that this is just a passing phase, that we will recover the values we once took for granted. I fear it may take a long time.

This country has a proud history and vast



potential. But our most basic values have been betrayed – sold away for a $600 handout – debased by a government which asks for trust and repays it with hypocrisy and deceit.

I want to say that Australia can do better than this. Does anyone care?

*Julian Burnside QC is a Melbourne barrister, specialising in commercial litigation and human rights, and a refugee activist and advocate.*

http://www.newmatilda.com/

# Australia's Refugee Policy: It's gotta Change

## What is the current policy towards asylum seekers?

The government's current policy for dealing with asylum seekers who attempt to enter Australia without correct documentation is to detain them indefinitely (some over six years) in high security camps, either in remote mainland areas or on offshore islands, until their claims for refugee status can be verified. These measures - harsher than those of any other Western country - have been justified by the government on the basis that asylum seekers have 'jumped the queue', and that a tough approach is needed to discourage people smugglers, protect national security and stem the flow of 'illegal arrivals'.

A major part of the policy involves only granting Temporary Protection Visas (TPVs) to refugees, which severely limit access to education, social services, travel and family reunion. When a TPV expires (normally after three years), the holder must re-apply and prove again that they are a 'genuine' refugee. TPV holders can be deported back to their country of origin any time.

Refugee 'detention centres' are run by private foreign-owned companies who profit squillions from imprisoned asylum-seeking 'customers'. Whether or not asylum seekers are found to be genuine refugees, they are 'billed' for the time they spend in detention. (Last month, the Immigration Department affirmed they would 'bill' one family were not granted asylum the $3 million cost of their imprisonment).

## What's wrong with the policy?

Some of the major problems with the policy are:

* The rights of refugees and ylum seekers are protected under international treaties and conventions to which Australia is a signatory. The most important of these is the UN International Refugee Convention, which requires host countries to treat asylum seekers with dignity and respect while their claims for asylum are being analysed. The current Australian policy contravenes these principles, and has caused considerable damage to Australia's reputation as a fair and just nation.

* Every investigative group that has visited detention facilities, including the government's own lvisory body, have expressed grave concern at conditions in the centres, and particularly the risk of abuse and psychological harm to those being held there. The latest and most authoritative report by the Human Rights and Equal Opportunities Commission, released in May 2004, has cited numerous cases of physical and mental abuse, and has called for the immediate release of children from detention.

* Even for those who are released from detention, the practice of issuing temporary visas offers no chance to establish a permanent, secure future. TPV holders have limited rights (see above) and can be deported back to their country of origin at any time the government chooses. Living in this state of limbo further contributes to mental and physical health problems.

* By 'contracting out' responsibility for detention centres to corporations and denying the public and the media access to them, the current policy obstructs public scrutiny and diverts accountability. The question "If there's nothing to hide, why is the government so secretive about the centres?" has never been answered.

Resource: http://www.ruralaustraliansforrefugees.org/

Under Howard's 'tough on terror' slogan, the Australian Security Intelligence Organisation (ASIO) and the police have been granted expansive powers of surveillance, interrogation and detention since September 11, 2001.

Although our laws are supposed to protect our rights and liberties, High Court Justice Michael Kirby described the new laws as '17 items of legislation *restricting* civil freedoms'.

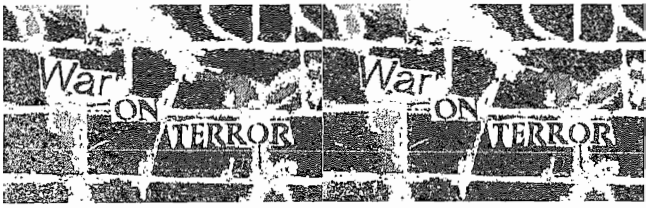
What are the new 'anti-terror' laws?

- Under the new laws, it is a crime to commit, train or prepare for a terrorist act. It is also an offence to be a member or even to 'support' terrorist organisations.
- ASIO can detain and question you without charge for up to 7 days. You don't need to have done anything – ASIO only needs *reasonable* grounds to suspect you have *information* related to a 'terrorism' offence. (Dodgy, dodgy....)
- Once detained, you can be held 'incommunicado' – with no right to contact your family, friends, political associates or the media. Access to a lawyer is seriously limited. ASIO can veto any lawyer.
- Evidence regarding 'national security' can be kept secret in criminal proceedings. You and your lawyer can be excluded from the courtroom if ASIO find you do not have 'security clearance' to hear evidence – regardless of how important it is to your case.
- Removal of your right to silence. If you refuse to answer any questions or fail to hand over any material, you can face five years' gaol.
- Reversal of the burden of proof. If ASIO reckons you have information or material on terrorism, the onus is on you to prove that you don't. (Probably difficult when your lawyer might not have access to evidence against you because it's 'classified').

Sound dodgy? Under Howard, 'terror' has a new definition.
Think terrorist acts are bombings or hijackings? The 'new' definition of 'terrorist offence' includes any thing remotely connected to a 'terrorist act'. The 'anti-terror' powers given to police and ASIO are broad and vague – they could implicate anyone who the Government sees as working against 'national interest', including political activists. Some legal experts reckon nurses on strike over healthcare cuts, or demonstrators restricting access to a bank can come under the Government's definition of terrorism.

# Be alert 'n' alarmed...

So 'anti-terror' laws are fuct. What's it got to do with me?
The new 'anti-terror' laws further expand police and intelligence powers over your life and community. They perpetuate racism and prejudice, targeting certain community and religious groups, particularly Australia's Muslim communities. They affect our ability to protest, to dissent and participate in this so-called democracy.




Even journalists who might have information regarding 'terrorist' activity can be arrested and detained for questioning – gagging the press and stifling investigative journalism.

With their swag of 'anti-terror' legislation, the Howard government are enforcing a surveillance state in Australia, undermining any form of justice or equality before the law, and eroding the rights and liberties of all Australians.

There's no point 'protecting individuals and Australian democracy' with 'anti-terror' laws that deny us our basic rights under the law, and undermine essential elements of a democratic society.

Get the low-down on 'anti-terror' laws: www.civilrightsnetwork.org and www.amcran.org (Australian Muslim Civil Rights Advocacy Network)

# War on terror & universities

The "War Against Terrorism" Agenda: $7.2 million will be provided to Universities, research agencies and private businesses to co-ordinate and focus research in support of Australia's "counter-terrorism needs". Already, the call-out has been made within Universities to apply for funding. In particular, the Humanities and Social Sciences, within Universities, have been mentioned as being encouraged to apply for funding. Nine priorities have been identified which will be funded. These are:

- Large vehicle bomb
- DNA profiling
- perimeter protection
- chemical and biological detection
- chemical and biological decontamination
- infrastructure interdependency modelling and analysis
- radiological and nuclear threats
- datamining
- personnel protection from chemical, biological and radiological agents

The above begs the question of students wanting the Government to increasingly fund the sector, versus how increased Government spending is used. Already at UTS, the Australian Federal Police and UTS are spending 311k on research to develop "new technologies to prevent and fight crime and terrorism" which will support the Liberal Government's new research agenda to spend money on "The war against terror". "More funding" becomes a more complex call in 2004 when increased funding is being spent on, for example, the Liberal's new funding priority "Safeguarding Australia". This is one of the four National Research Priorities of the federal Government, announced in 2002.

As Universities become war factories, or are forced to apply for funding tied to commercial outcomes, new challenges are presented to activists on developing new discourses around funding, and challenging their own Universities on how to maintain independence, autonomy, and to ensure that Universities do not become involved in the production of weaponry and terror. Possibilities exist for students to implement policies and strategies to keep war off their Campus, as well as supporting the continuation of independent research, and to demand funding that is not tied to the Federal Government's neo-liberal agenda.

*Cath Murphy*
*Postgraduate Researcher/Caseworker*
*UTS Students' Association*

# terrorists r us

Most terrorists have mundane, apparently peaceful lives, but are just as cruel as those who behead for an internet audience. They are you and me, ordinary people consuming much too much, leading an unsustainable lifestyle, committing cultural genocide on the vast majority of humanity, plundering non-western economies in the name of free trade, and imposing our lifestyle and morality on the rest of humanity. Yes, terrorists r (also) us!

Of course, there is a difference between 'their' terrorism and 'our' terrorism. They often have a legitimate grievance; they engage in conscious terrorism because they see themselves as powerless against powerful governments that have inflicted real injustice on them. We are motivated by greed, a sense of superiority and an unshakable belief in our right to dominate the world. They kill indiscriminately. We kill en masse. Their nefarious deeds get the attention of the global media. Our terrorist activities are invisible, shrouded in pious rhetoric about "freedom and democracy," embedded in our way of life, integrated into our system of thought and way of looking at the world. They know they are guilty. We have an innate belief in our innocence. They kill in hundreds and thousands; we kill in millions.

Of the 4.4 billion people living in the developing countries, nearly three fifths lack access to sewers, a third to clean water, a quarter to housing, and a fifth to health care of any kind. Every day 800 million people go hungry. A baby born today in Botswana has a life expectancy of 39.

This is not the product of some fluke of history, or natural disasters, or mismanagement by tinpot dictators or lack of initiative by the wretched of the Earth. These people are the direct victims of our consciously-planned policies and actions. We deny government aid and our markets to African peanut farmers but give billions of dollars in subsidies to American peanut farmers and ensure they can sell their products all over the globe. We subsidize every cow in the European Union by $2.50 a day and force the vast majority of peasants in Africa and Asia off their land to live on less than $1 a day.

We also kill cultures, destroy traditional communities in the name of development, turn rainforests into deserts to satisfy our craving for hamburgers. Ten languages fall silent every year. Entire cultures, lifestyles and different ways of being human are disappearing as a direct result of the cultural terrorism we perpetuate.

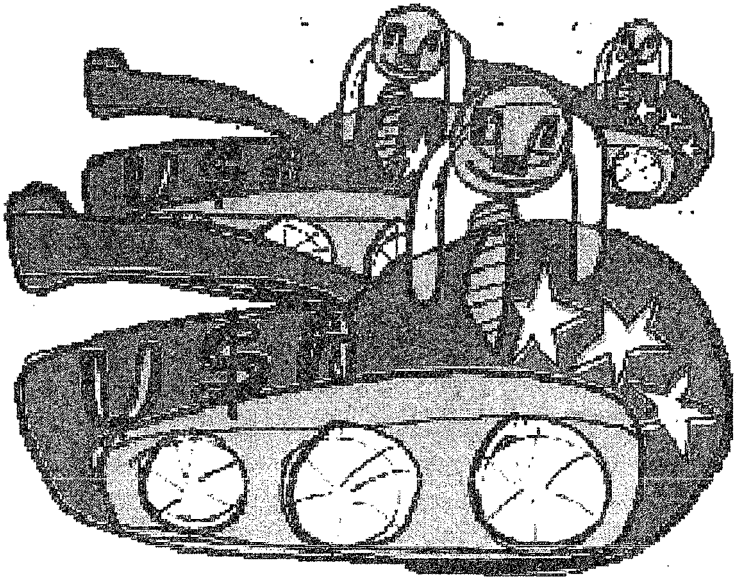
In return, we gloat. America constitutes three percent of world's population but consumes 25 percent of its energy and produces 30 percent of its pollution. The three richest Americans have assets exceeding the combined gross domestic products of the 48 least-developed countries. Americans spend $8 billion on cosmetics, almost as much on pet food, and $10 billion a year on pornography – more than the estimated total needed to provide clean water, safe sewers and basic health care to the world's poor. This, then, is the world that the West has created over the past two centuries and America has shaped during the last

few decades. In this world, inequalities, exploitation and imperialism are not just part of the system – they are the System.

'Evil terrorists' perform horrendous acts of carnage by insulating their conscious awareness from the emotional consequences of what they do. We too insulate our consciousness from the repugnant consequences of what we continue to do every day of our mundane lives and the truly hideous world we have created and maintain. For sure, terrorists need to change. But we need to change even more.
The future need not be an extension of the past or the present. It can be shaped, decolonized and made more equitable and just. But to shape a future free from terrorism we must realize that the 'war on terror' is not a war at all. It is cultural politics. It is a struggle to create cultural space for other ways of knowing, being and doing. It is a politics of visibility that brings the inhuman consequences of our policies and action into sharper focus. It is personal exertion to live a more sustainable and humane life. It is an attempt to addresses the politics of identity that accompanies neo-liberal globalisation. In the end, a terrorism-free future begins with our Selfs.

*Ziauddin Sardar is a British writer, broadcaster and cultural critic.*

lets
invade
a
country
today



http://www.adbusters.org/magazine/57/terrorists.php

# Australian Muslims and the War on Terrorism

From the very beginning of the US-led War on Terrorism, Australian Muslims have felt under attack.

Islam has come under sustained attack in both the US and Australia from right-wing Christian Islamophobes.

Conservative politicians have made outrageous allegations against Islam. Fred Nile, a right-wing Christian fundamentalist in now in the Federal Senate, issued a press release attacking Islam, including angry complaints that Islam did not accept certain basic Christian doctrines. In November Nile suggested that Muslim traditional dress could be used to hide explosives and is a perfect disguise for terrorists and should not be permitted.

'Cash for comment' commercial radio commentators also incited anti-Muslim feelings. Prime Minister John Howard chose to respond to Nile's Islamophobic attack on talk-back radio, commenting that people's religious beliefs can be overridden in the public interest. Howard said 'I don't have a clear response to what Fred's put, I mean I like Fred, I don't always agree with him, but Fred speaks for the views of a lot of people.'

It is from this atmosphere of Islamophobia that the Muslim community views the anti-terror laws passed by the Liberal Party Government.

The fears of the community were made quite clear in the Islamic Council of Victoria submission to the Review of the ASIO Legislation Amendment (Terrorism) Bill 2002.
'Anti-Terrorism legislation in other western countries has resulted in feelings of persecution and rejection amongst members of the Muslim community.'

Only about 35% of the Australian Muslim community were born in this country. The rest have come from countries which, in the main, have less respect for democracy and human rights than their new home. It is a stock in trade of dictatorial regimes to claim 'security' considerations for all sorts of oppressive laws. National or cultural integrity, the purity of the language, the need to defend against various 'foreign' or 'enemy' forces are all used to justify arrest without trial, indefinite detention, politically controlled judiciaries, political and religious police etc.

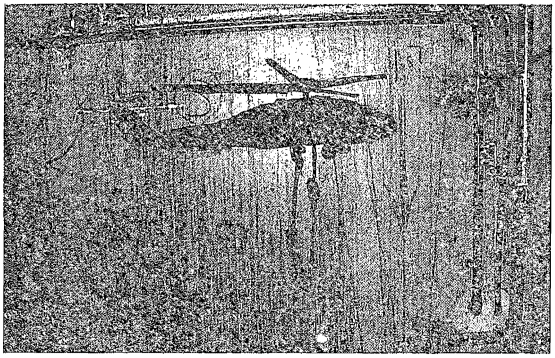
In the aftermath of the Bali bombings of 12 October 2002, these fears were increased. The Australian Federation of Islamic Councils had to issue a warning to all Islamic societies and schools, stating:
' We are now all feeling the repercussions of the attack in Bali. ...In Sydney a mosque was attacked and the Imam's family terrorised. In Melbourne this morning a similar attack occurred this time with a molotov cocktail and luckily the fire was put out before extensive damage could be done.'

Within weeks, raids were being conducted against 'suspected terrorists', none of whom were apparently arrested. Australians concerned with the protection of civil liberties condemned the tactics. The NSW Council of Civil Liberties said the raids looked like a campaign of harassment. 'If these people are supposed to be terrorists then they should be charged and brought before a court of law.
'The fact that there have been so many raids and that no one has been charged

suggests that there is no evidence. It suggests that it is a fishing exercise or a publicity stunt.'

ASIO has since been given increased powers. The civil liberties of all Australians have suffered a major blow.

Muslims are concerned that an unaccountable and secretive organisation such as ASIO might abuse these powers. The power of detention without charge is also a threat to basic liberties, especially the power to hold an individual *incommunicado* for a period of up to 7 days. That such a person need not even be suspected of a crime is also an assault upon liberty. Similar laws have been extended to include political



dissent in several neighbouring countries and there is not protection against such abuse in the proposed laws. The definition of terrorism which underpins it is so loose that it can be used in a myriad of ways. The right to silence and the right against self-incrimination, fundamental rights that are an inherent part of our system of justice, have been abandoned, the penalty for refusal to answer being 5 years imprisonment.

One Muslim writer expressed the views of most Australian Muslims when she stated, in reference to the War on Terrorism, 'Instead of restoring our faith in the unity of Australians, and giving us the courage to resist turning against each other, those with the power to influence have conjured up *Apocalypse Now* visions of Islam versus the West.'

Reports began to be received by many Islamic bodies that some Muslims were leaving the country for a safer situation in their countries of origin.

Despite these negative shock waves, there have been positive developments as well. While there were numerous attacks upon Islam in the media, Muslim spokespeople were given the opportunity to explain the position of Islam on this and other matters. The Islamic national organisation AFIC and State Councils issued a statement 'To all the extremists of the world (from Australian Muslims).' It opened with the words; 'Together, we send this message to the extremists of the world who come from all backgrounds, religions and ideologies. We speak out with two aims - first: in the hope that these extremists will re-consider their actions, and second: to make our stance clear to the world.' This received good coverage in the media and from several political leaders, but was ignored by the Prime Minister.

Although the War on Terrorism has fuelled anti-Muslim sentiments, and has stimulated the spread of racism, it has also served to awaken the whole Australian community to the need to defend multiculturalism from its enemies and to defend civil liberties. The use of racially and religiously divisive policies by a section of conservative politicians has not created an intolerant society. In fact these political forces may have sown the seeds of their own demise by trying to return to the 1960s, a period in Australia of intolerance, both racial and religious, and total subservience to foreign powers.

*Bilal Cleland 2003*

# "Devastating and dangerous": dismantling Aboriginal Legal Service

Legal services for Indigenous Australians are about to be destroyed by a dangerous plan driven by the "ideological agenda to mainstream Aboriginal services" and so "undermine the right of Indigenous Australians to self determination", says the National Association of Community Legal Centres (NACLC). In the wake of the abolition of ATSIC, the peak self-governing Indigenous body in Australia, the Federal Government has released a draft plan to publicly tender the right to provide legal aid services to Indigenous Australians from 2005.

Senator Amanda Vanstone, Minister for Indigenous Affairs, said that Indigenous people were not getting value for money, and "the bottom line is when you tender, when you put people to competition you find out who can deliver the best services". But NSW Attorney General Bob Debus says that the Aboriginal and Torres Strait Islander Legal Services' capacity to deliver services is limited by a "chronic lack of funding", and under the draft tender arrangements, "funding will be cut by an estimated $2.4 million per year annually".

"The Government is forcing this upon us," says Marcelle Burns, Solicitor at Many Rivers Legal Service in Lismore. "They are saying that Aboriginal people are not getting value for money. But on an equitable basis, comparing us [Aboriginal Legal Service] to mainstream legal services, we get less funding than legal aid." Burns says: "The Government is saying there are inefficiencies in the Aboriginal Legal Service, but reports show we are under funded."

The draft says that the successful applicant for tender will be a "culturally appropriate service", but makes no stipulation that the organisation be Indigenous, or employ any Indigenous staff. "Theoretically, other organisations that have better resources could provide better services," says Burns. "But if Aboriginal Legal Service was given appropriate funding, they could offer the same level of service, in a far more culturally appropriate way."

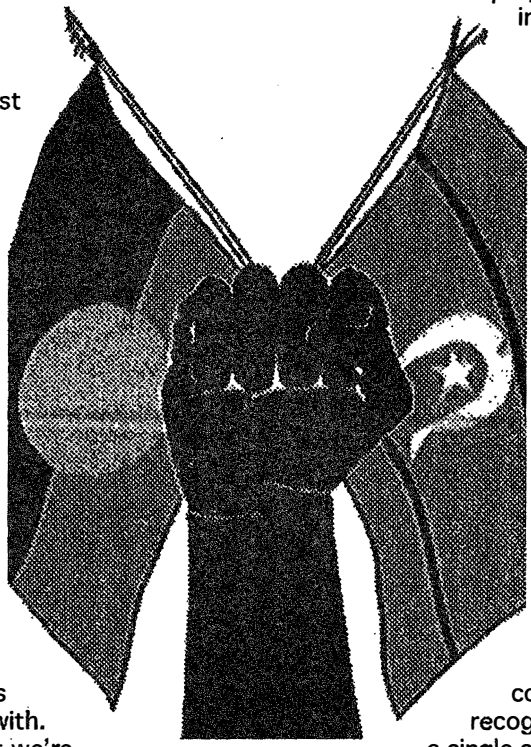
Bob Debus says that local Aboriginal community control is "one of the most fundamental principles and greatest strengths of the ALS", and will be destroyed by the Government's move. "If you employ Aboriginal people who have connections to community, they are in a better position to understand what's going on," says Burns. "Unlike private solicitors, who have difficulty communicating with their clients, ALS has no difficulties in communicating or accessing information in communities because of the Indigenous staff they employ - they understand Aboriginal culture and speak the language."

ATSIC Commissioners Steve Gordon and Tim Chatfield say the tender is "a move to revive mission management practices and gag the voice of Indigenous Australia", and rank the decision with discredited government policies of the past such as separating children from their families and assimilation policy. Burraga Gutya, also called Ken Canning, Academic and Cultural Adviser at Jumbunna Indigenous Centre at UTS, says the plan is "yet another way of taking something away from us...it's

about eroding Indigenous control of Indigenous organisations". The consensus among ATSIC regional councils is that the Government's move "will return Aboriginal and Islander people to being passive recipients of Government programs with no voice of their own".

The draft tender sets out criteria by which the successful organisation must follow.

Effectively, the criteria place criminal law - which makes up 98 percent of the ALS cases - at the bottom of the list, and gives family law the highest priority, which will make it difficult for the service provider to represent the number of criminal cases currently dealt with. "At the moment we're funded to do criminal law only," says Burns. "They are cutting funding but expecting ALS to do more... [With those priorities] the risk is that we'll end up with more people in custody." The draft also proposes that service providers be allowed to refuse legal assistance to people with prior violence offences. The majority of Aboriginal people who appear in court have had a prior offence, and this rule would deny a significant number of Indigenous criminal defendants access to legal services. The NACLC predicts that these priorities will lead to more Aboriginal people left without representation and therefore an increase in the rate of imprisonment.



Ironically, the Indigenous activists and lawyers established Aboriginal Legal Service in Redfern in 1970 for the purpose of reducing incarceration and police harassment of Aboriginal people. The service that the Government describes as "inefficient" was Australia's first free legal service, setting the model for mainstream community legal aid.

Controversially, the draft prefers a single provider of legal services in each state, which was the status quo in 1970. Aboriginal communities recognised then that a single service could not meet their needs and lobbied for and established regionally based services, says Debus. He says that returning to failed methods of the past will only "exacerbate Indigenous peoples' lack of access to legal assistance and their ability to obtain justice".

*by Josephine Polak*
*UTS Journalism Student*

# Anti-Student Organisation Legislation.

The recent push by the Howard government to enact new Anti-Student-Organisation Legislation (ASOL) is not just about removing student services and funding, but about killing democratic student representation & organising.

## It's not about choice..

The proposed legislation. also called 'VSU', or Voluntary student unionism, will remove the right of student organisations to collect fees for student campaigns and services. Our student unions, like the Students' Association (SA) and the union at UTS, provide many important things for students. Not only can we access clubs and societies, we have advocacy and student controlled spaces in which to organise around our conditions and social justice issues. The Students' Association (SA) runs annual democratic elections, a student-controlled newspaper, a second hand bookshop, and advocates to represent students with academic concerns. The fact that these services are student controlled is incredibly important, as it empowers students to take ownership over their education and conditions.

In the last 20 years, there have been loads of legal arguments regarding membership of student organisations, and the way governments legislate to control them. Forms of 'optional membership' were introduced in Western Australia and Victorian student organisations, and Federal Liberal governments have been trying to quash ALL student organising for decades. The last attempt was in 1999 - the bill never made it through the Senate. However, with the Liberals soon to have their greedy little paws in control of the Senate, they hope to introduce their Anti-Student-Organisation legislation, and continue the assault on tertiary education.

### Universal Membership?

Membership is universal because student unions are not just about 'getting value for money'. The exchange is not one of money for services. It is about our right as students to be active, to defend our rights against university administration and the government. The ability for students to act collectively, and exercise an opinion on any number of issues on campus and off, is something that benefits us all. More to the point, student unions are real and vibrant when lots of students are involved in their activities; not just when one or two people are accessing their services.

### Advocacy & legal assistance

Student organisations provide free legal advice, assistance in appeals against university administration, fight discrimination in the university, and work against social and institutional oppression.

Without these services, students will be further denied access to justice and the legal system, be without sufficient appeal against grades or academic problems and be further discriminated against at university and in society.

### Freedom of association

In several cases (for and against ASOL), people have argued for their right to freedom of association. Some argue outlawing student organisations' ability to collect fees restricts our freedom of association. Others argue Universal Student Unionism restricts their freedom of association (by requiring membership). This argument is countered with the view that when students choose to study at UTS, they choose to pay compulsory union fees! Also, there exists a 'conscientious objection' clause – rather than paying money to student-run organisations, students pay to other university-controlled student services.

### Why should we care?

Because ASOL makes access to universities even MORE unfair and inaccessible – funding for student services and student-run campaigns will disappear. ASOL isn't about making membership to student organisations optional or voluntary. It's about stopping autonomous student organising and silencing dissent – at UTS and at a national level.

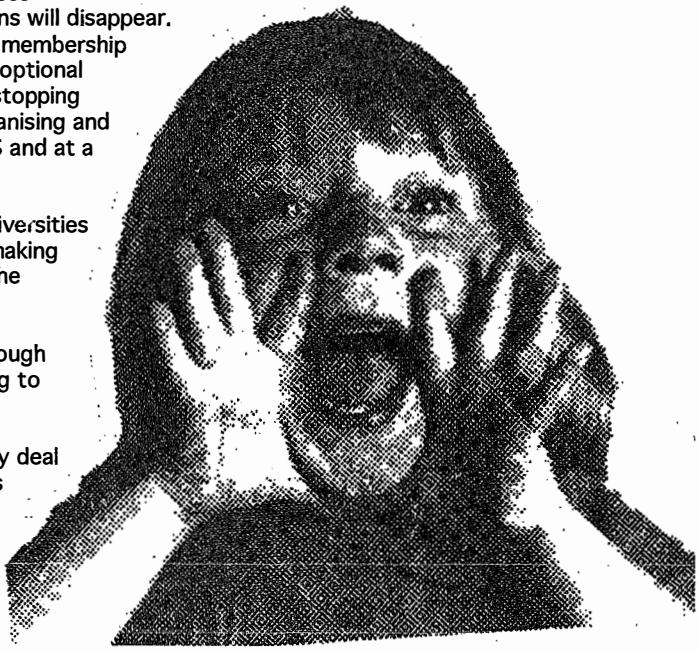
ASOL is about making universities more corporatised, and making students cash cows for the government. The Howard government is strangling student organsations through legislation, and pretending to give us 'choice'.

Law students get a dodgy deal under the recent changes to HECS and university fees. Law students pay the most for their education, but are in the lowest funding bracket – they receive the LEAST from the government. Law students need their student organisations (and their student organisations need them!)

### It's all a tad ridiculous (& ironic)...

Many of our current political 'leaders' received their education free of charge – but raised our fees by 25% in 2004. They continue to slash education spending. Most learnt the political ropes in student organisations... And now they wish to hang them by the noose...

## ...it's about silence



# democracy & dissent, power & protesting:

# what the fuck is it?

**What is protesting?**
Protesting is lots of things, but mainly about expressing dissent to decision makers, corporations, governments (that incarcerate children in detention centres), or against communities or social problems (like violence against womyn). It can take lots of forms, it can be silent or violent, and with millions of people or one.

**Why do we do it?**
- Because we can. Because we should be able to express our opinions, our dissent, our feelings and ourselves.
- To get noticed! It can be a good way for the community (and the media) to pay attention to your cause or anger.
- Because our law-makers are largely affluent, white and male & rarely listen. Disruptive protests with oodles of people makes 'listenin' to tha people' simpler.... Or at least it should...
- To show that people give a crap, can organise collectively and create change.
- To make the government, corporations & law-makers listen & be accountable to the people.
- To reclaim the streets, the media, the debate and the discourse. And reclaim an itty bit of power for tha people!
- Because we can.
- We protest because our responsibility in a democracy does not begin & end at the ballot box. Democracy should be about participation – speaking out & making change.
- Shouting loudly and acting visibly – ensure governments are accountable to the people.

- Our participation in democracy should not be controlled, limited, or repressed by the state, or police with their pretty horses and capsicum spray.

**Do we have a right to protest?**
A right to protest is considered intrinsic to a democratic society. The right to protest and participate in political activities is recognised in the International Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966). Australia is a signatory to both, but the government and police rarely enforce, and blatantly ignore and undermine these rights.

Although Australia is a signatory to these, the rights are not guaranteed, difficult to enforce, and frequently (& deliberately) contravened by Australian governments.

In 1997, the High Court decided that, although Australians do not have a right to freedom of speech, we have a right to "freedom of political expression" (Lange v ABC) – but with several limitations. Broadly speaking, our 'right' to protest is illusory and virtually non-existent.

**What's protesting got to do with students?**
Students have always been actively fighting for change – they protested in feminist actions throughout Australian history, were militant against the Vietnam war, and were in force during recent anti-war on Iraq actions.

UTS Management has a embarrassing history of attempting to 'manage' and destroy dissent within the university. UTS has many mechanisms & devious plans to 'control' and quash student organising and protest. In 2004, the university INVITED riot police on campus (they even brought their capsicum spray which they used generously on hundreds of students!)

**Why do we need to know about our rights?**
All sorts of social & governing bodies regularly deny & limit our rights and freedoms. We need to know our rights and assert them relentlessly.
Also, we can use and enforce our rights, forcing governments and corporations to act in accordance with them.

Governments frequently use their powers to make undermine the right to protest, and make certain protests illegal (such as outlawing 'unauthorised tent settlement' in the ACT in 1972 to prevent Aboriginal Tent Embassies and other forms of protest & occupation).

With so few rights, we'd better get out & exercise the ones those we have. Don't be intimidated by officious university security, police on ugly horses and the perennial deafness of John Howard & his spineless yes men. Get out & do sumthin' you care about... fight for yourself & what you believe in. don't let this world go down the toilet...

# LEGAL OBSERVER

The Legal Observers Project was set up in April 2001 in response to concerns that policing in Sydney was becoming increasingly aggressive at protests and demonstrations.

The project was inspired by the experience of the anti-globalisation protests in Melbourne at the meeting of the World Economic Forum (WEF) on 11-13 September 2000.

During that action, 2,500 officers, (a third of Victoria's police force) were used to police the protest. There were numerous complaints of illegal police behaviour, as under these circumstances police are less constrained in their actions. Political leaders often bang the law and order drum to whip up populist support, and therefore often won't criticise the police actions in protest situations. For example, Victorian Melbourne Premier Steve Bracks, said that S11 protesters who were injured by the police 'deserved everything they got', and NSW Premier Bob Carr said they were 'un-Australian, fascist bullies'.

The NSW Ombudsman's Office, too, is often rendered toothless due to lack of political will or under-resourcing. For example, detailed complaints about police behaviour during the M1 demonstration on 1 May 2002 are still being 'investigated' – nearly 3 years after the event.

The Melbourne and Sydney protests are just two examples of a worldwide increase in aggressive policing, which has been seen in similar demonstrations in Seattle, Washington, London, Prague and Seoul.

One of the few ways that the police can be held accountable is by legal observing to deter police violence and the production of independent evidence to resource potential court actions. During 1994-2000, for example, Victorian police paid out $8 million in settlements of civil suits, mostly for the use of excessive violence.

The Legal Observers Project, auspiced by the Community Legal Centre at UTS, is a voluntary network of qualified lawyers, law students and other concerned individuals. We attend demonstrations and monitor illegal or inappropriate behaviour by the police. We take notes and photos to ensure a formal record of evidence exists. We also distribute leaflets on protesters' rights, and refer people to qualified lawyers if they require legal advice.

By our action, we aim to support political space within which to protest. The highly visible presence of legal observers with cameras and notebooks, working in organised teams, helps to reduce incidences of the abuse of civil, legal or human rights by the police, and ensure they do not go unnoticed. The presence of Legal Observers at protests also aims to ensure that any arrests are carried out in a less-violent way. Legal Observers therefore act as a viable form of deterrence of police violence. The presence of Legal Observers serves to undermine the two main tenets upon which the abuse of police powers rely: secrecy and fear.

If you are interested in being a Legal Observer, we hold training sessions throughout the year.

If you would like more information on the Legal Observers Project email legalobservers@eml.cc or contact the PLSN.

# cool sites & resources

**student organisations & cool campaigns**
UTS Students' Association: www.sa.uts.edu.au ph: 9514 1155
UTS Union: www.union.uts.edu.au
National Union of Students www.unistudent.com.au

**refugees**
www.boat-people.org/
www.chilout.org (Children Out of Detention)
www.ruralaustraliansforrefugees.org
www.antimedia.net/xborder
http://noborder.org

**police powers & your rights**
www.activistrights.org.au/
www.cat.org.au/our-rights/

**'terrorism' and civil rights**
www.civilrightsnetwork.org/
www.amcran.org/ (Australian Muslim Civil Rights Network)

**general legal sites**
UTS Community Law Centre www.law.uts.edu.au/%7Eutsclc/
NSW Council for Civil Liberties www.nswccl.org.au
Environmental Defender's Office www.edo.org.au/
Australian Lawyers for Human Rights www.alhr.asn.au
Community Legal Centres: www.naclc.org.au
refugee and legal immigration centre www.rilc.org.au
redfern legal centre http://www.rlc.org.au/

**cool community & arty sites**
http://www.cat.org.au/
http://www.active.org.au/sydney/
www.queeruption.org/sydney
http://stencilrevolution.com/
www.stencilarchive.org
http://adbusters.org/

**more, more, more...**
so the plsn will be organising in the next few weeks a forum on refugee issues and also making regular visits to the villawood detention centre. for more information come and visit the students' association on lvl 2 of the tower, call 9514 1155 or call holly or angelo. or you can subsrcibe to our e-list by sending a blank email to <plsn-subscribe@yahoogroups.com>

break out of
your straitjacket-
ideologies and let
your anarchy
burst
all the
dams.